IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.957 OF 2005

Shri Abdul Raheem Mohammad Ismail ... Petitioner

V/s.

Shri Obaidur Rahman Sanab
Abdul Sattar ... Respondent

Mr.P.N. Anaokar for Petitioner
Mr.V.K. Wasnik for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 18, 2005**

P.C.:

. The Petition challenges the concurrent findings of fact of the Labour Court and the Industrial Court. Both the Courts have held that the Petitioner committed unfair labour practice under Item 1 of Schedule IV of the MRTU & PULP Act while terminating the services of the Respondent-workman illegally. The contention raised is that the respondent is not entitled to backwages since in the written statement the petitioner had stated that the services were never terminated.

2. The evidence of the respondent-workmen discloses that he tried to resume duty but was prevented from doing so by the petitioner with threats of assault. He

had also filed a complaint in this regard with the Labour Commissioner as well as Shanti Nagar Police Station, Bhiwandi.

3. In such circumstances, I see no reason to differ from the findings of Courts below. Petition is, therefore, rejected.